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APR 28 2004

Paper No. 10

Edward Frieling
17656 Foxwood Way
Boca Raton, FL 33487

OFFICE OF PETITIONS

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APR 06 2004

OFFICE OF PETITIONS

In re Patent of
Karney and Friedling
Patent No. 5,988,097
Issue Date: November 23, 1999
Application No. 09/197,987
Filing Date: November 23, 1998
For: WATERCRAFT STABILIZED BY
CONTROLLED HYDROFOIL
ELEVATION

Letter

Request for Information

A petition under 37 CFR 1.378(b), was filed on March 23, 2004, to accept the delayed payment of a maintenance fee for the above-identified patent.

The Office requests additional information prior to rendering a decision on the petition.

The patent issued November 23, 1999. The 3.5 year maintenance fee could have been paid from November 23, 2002 through May 23, 2003, or with a surcharge during the period from May 24, 2003 to November 23, 2003. Petitioner did not do so. Accordingly, the patent expired November 24, 2003.

Prior to January 15, 2003, Karney received a letter from Patent Renewal Service, a company that has no affiliation with the government. The letter stated that a maintenance fee was due. The letter stated that in exchange for \$125, the company would "prepare and forward to you all the documents and information necessary to avoid cancellation." The letter stated the \$125 should be submitted by January 15, 2003. A handwritten note, presumably by Karney, states that \$125 was sent to the company on January 10, 2004.

Was the check ever cashed? What information did the company send in reply? When was the information received? If information was not sent, then to the extent possible, petitioner should address the issue: was the failure to send information by the company intentional or a mistake? Petitioner should attempt to obtain a statement from the company if information was not sent in reply to the payment of \$125. A statement signed by Karney should be supplied giving a *full and complete* explanation of the events surrounding the non-payment of the maintenance fee.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. Any request to change the address should be signed by both inventors. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Petitioner should submit the requested information within TWO MONTHS of the mailing date of this letter. Extensions of time may not be obtained. No additional fee is due for a response to the

instant request for information. The response to this Requirement for Information should include a cover letter entitled "Response to Request for Information."

Further correspondence with respect to this matter should be addressed as follows:


By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 2011 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

If a reply is filed, and a decision in response to the reply is not received within three months, petitioner may wish to call the number below to check on the status of the reply.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


Charles Steven Brantley
Petitions Attorney
Office of Petitions

Re; Patient
Karney & Frieling
Patient no. 5,988,097

I received a letter of PATIENT CANCELLATION
ALERT.

I sent a check in the amount of \$125.00 to the
PATIENT RENEWAL SERVICE ON 1/9/03. Enclosed is a
copy of the check.



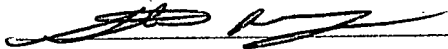
This matter has now been taken to the division of U.S.
postal inspectors, as it appears to be a case of mail fraud.
The postal service is investigating this matter. I also tried to
call the 800 number on the back of the check they would
not give me any information.

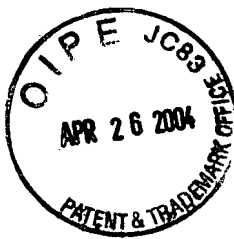
For future communication please use the address of
record 7322 NW 58th way Parkland Fl. 33067 I apologize
for any inconvenience.

Thank You



Steven Karney

DELRAY AUTOMOTIVE AND MARINE, INC. 13400 MILITARY TRL. DELRAY BEACH, FL 33484-1346		63-84 13 / 2670 3922453810	3616
DATE <u>1/9/03</u>			
PAY TO THE ORDER OF <u>PATIENT RENEWAL SERVICE</u>		\$ 125 -	
<u>ONE HUNDRED TWENTY FIVE DOLLARS</u>		DOLLARS	
 Washington Mutual Washington Mutual Bank, FA Delray Beach/Military Financial Center 1664 4999 W. Atlantic Avenue Delray Beach, FL 33445 1-800-788-7000 24 hour Customer Service		 Security Features Included Details on Back.	
APR 11 2003 MEMO <u>3-988097</u>		 MP	



PATENT CANCELLATION ALERT

Steven Karney
7322 NW 58th Way
Parkland, FL 33067-2456



PATENT NO:	5988097
ISSUE DATE:	11/23/1999
U.S. SERIAL NO:	919798
APPLICATION FILE YEAR:	1998
SMALL ENTITY STATUS:	Y
PAYMENT YEAR:	3.5
PRS NUMBER:	196206PR
RETURN NO LATER THAN:	January 15, 2003

IMPORTANT NOTICE TO PATENT OWNERS

Your Patent Is Scheduled For Cancellation If You Have Not Renewed It.

Pursuant to 37 CFR 1.362(g), the above patent will be cancelled by the United States Patent and Trademark Office (PTO) unless you take the necessary action to preserve it.

Avoid Cancellation By Timely Filing And Paying Your Required Maintenance Fee

To prevent cancellation of your patent, you must file the proper information with the PTO and pay the proper maintenance fee within a timely manner.

PRS Can Help You Renew Your Patent Now

We can prepare and forward to you all documents and information necessary to avoid cancellation if you take the steps outlined below.

Complete The Form Below And Mail It With Your Payment (Please Print Or Type)

1) Review the accuracy of the form below; 2) Make corrections; and 3) Return the form below in the enclosed envelope with **your check for \$125 made payable to Patent Renewal Service no later than January 15, 2003.**